

### REMARKS

Applicants appreciate the examiner's reminding the applicants of their continuing obligation under 37 CFR 1.178(b), but there are no interferences, reissues (other than the present reissue), reexaminations and/or litigation known to applicant or its assignee concerning the present patent undergoing reexamination.

Applicants also are cognizant of their continuing obligation under 37 CFR 1.56.

Applicants note the examiner's comments in paragraph two of the Office Action that predecessor application serial number 08/429,583 was given a filing date of August 17, 1995, on the basis of specification and drawings originally filed April 27, 1995. Applicants also note, though not mentioned by the examiner, that the original claim also forms part of the original disclosure.

Also, applicants note that the predecessor application serial number 08/429,583 was filed by a sole invention, i.e., Mr. James A. Satchell, Jr. However, the examiner is mistaken that introduction of the term "internet" only appears in the subsequently filed application serial number 08/715,232, filed by joint inventors. In this regard, applicants attach, as Attachment II, a Declaration Under Rule 131 executed by James A. Satchell, Jr., who is not only familiar with the present reissue application, but is the sole inventor of the prior application serial number 08/429,583. As pointed out by Mr. Satchell, Examiner Garland mistakenly asserts that "the introduction of the term 'internet' appears in the 08/715,232 application filed by joint inventors."

Attached to Mr. Satchell's Declaration is a true copy of the preceding application serial number 08/429,583, obtained from the records of the United States Patent and Trademark Office. Applicants respectfully direct the examiner's attention to the papers bearing the United States Patent

and Trademark mailroom date-stamp of December 26, 1995, which expressly talk about "internet/worldwide web" through the specification and drawings.

In addition, Mr. Satchell, in paragraph 5 of his Declaration, declares that at least as early as December 26, 1995, he had possession of the invention of using a vending machine as a source for customer access to the internet/worldwide web as corroborated by the receipt by the United States Patent and Trademark Office of such materials. Although Mr. Satchell was not able to obtain a patent on the first filed application, his invention was diligently pursued by the filing of a second application, with improvements, to which co-inventor Mr. Johnson Asamadu, contributed.

As such, Mr. Satchell has antedated the Bernstein et al (having an effective filing date of July 27, 1996), Barcelou et al and Peters patents.

In view of the foregoing, applicants respectfully submit that the rejections of claims as set forth in paragraphs 7, 8 and 11 cannot establish a *prima facie* case of obviousness for the claimed invention based on Bradt et al alone, as applicants have antedated the Bernstein and Barcelou references.

Reconsideration of the previous rejection of claims set forth in paragraph 9 over the combination of Bradt et al in view of Peters is respectfully requested.

As noted in the rejection, Bradt et al teaches a vending machine, but does not teach internet access or the use of a camera or a microphone.

Peters is alleged to disclose a computer controlled vending machine, which can be connected to various sites and the use of an ISDN connection.

However, as with Bernstein and Barcelou, the filing date of Peters is subsequent to the date of invention, as evidence by Mr. Satchell's Declaration discussed above. To the extent that the

examiner is relying on a predecessor application of which the Peters patent is a CIP, there is no teaching of the use of internet in the Peters disclosure. For the foregoing reasons, the combination of Bradt et al and Peters does not establish a *prima facie* case of obviousness for the claimed invention. Withdrawal of the rejections of paragraph 9 are, therefore, respectfully requested.

Paragraphs 10 and 12 set forth rejections over the combinations of Bradt et al in view of Peters as applied above and further in view of secondary references, i.e., either Brown (paragraph 10), Small (paragraph 1) or Brandes et al (paragraph 12). The deficiencies of Bradt et al and Peters have been discussed above and none of Brown, Small nor Brandes et al correct such deficiencies. For the foregoing reasons, applicants respectfully submit that the rejections set forth in paragraphs 10 to 12 fail to establish a *prima facie* case of obviousness for the claimed invention.

With regard to paragraph 4 of the Office Action and the various rejections under 35 USC 112, 2<sup>nd</sup> paragraph, applicants respectfully submit that the foregoing amendment addresses each of the issues raised by the examiner, which have been amended so as to comply with the requirements of 35 USC 112, 2<sup>nd</sup> paragraph. Withdrawal of the rejection is, therefore, respectfully requested.

Applicants note that new method claims have been added as claims 114-130. These claims are also entitled to the benefit of the “internet” invention, which predates the Bernstein, Barcelou, and Peters references as evidenced by the Declaration of Mr. James A. Satchell, Jr., discussed hereinabove.

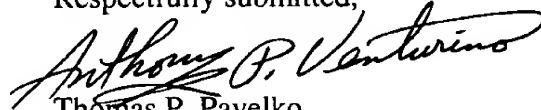
Applicants note the comments made by the examiner in paragraph 6 of the Office Action concerning “the applicability of 35 USC 103(c) . . .” Applicants do not understand the examiner’s comments set forth in paragraph 6 of this Office Action, as said provisions are not applicable to the instant situation and no presumption should be made by the examiner that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were made. If the examiner could clarify the meaning of this paragraph as it relates to the present application, applicants might be able to present additional information for the examiner's consideration.

Lastly, a supplemental Reissue Declaration, including the Examiner's suggested language is enclosed herein as Attachment III.

Having fully responded to the previous Office Action, favorable reconsideration and withdrawal of all rejections and passage of the application to issue are respectfully requested.

Respectfully submitted,



Thomas P. Pavelko

Registration No. 31,689

TPP/mat

Attorney Docket No.: TPP 31333

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.

1615 L Street, N.W., Suite 850

Washington, D.C. 20036

Telephone: (202) 785-0100

Facsimile: (202) 408-5200 or (202) 408-5088

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## ATTACHMENT I

31. (Amended) A door for retrofitting an existing vending machine for dispensing of at least one item selected by a customer, said door comprising:

[a selector device for selecting said at least one item by a customer;

a computer, whereby said computer is connected to and actuated by said selector device for connecting said computer] an access portal to the Internet on said door for interaction of the customer with [and conveying information obtained from] the Internet.

37. (Twice Amended) The vending machine of claim 32, further comprising:

at least one [audio-video recording, storage, and playback] mechanism selected from the group including data storage unit, programmable audio-video message storage unit, laser-disc, read-write CD-ROM, read only memory recording medium, magnetic media and diskette for storage of data and recording, storage and playback of audio and video signals,

wherein a customer is enabled respectively to upload and download audio and video signals from and to said audio-video mechanism to and from websites and home pages, and to send and receive data from and to said audio-video mechanism to and from other data transmitters or receivers.

38. (Amended) The vending machine of claim 37, further comprising:

a camera connected to a [said] computer for generating video signals; and

a microphone connected to a [said] computer for generating audio signals, wherein said microphone generated audio and camera generated video signals are recorded alone or in

combination with already recorded audio and visual signals by said at least one audio-video mechanism.

39. (Twice Amended) The vending machine of claim 32, further comprising:  
a camera connected to a [said] computer for generating video signals;  
a microphone connected to said computer for generating audio signals; and  
at least one audio-video [recording, storage, and playback] mechanism connected to said computer for recording said audio and video signals[,  
wherein said audio and video signals are provided live through the Internet and are recorded by said audio-video mechanism and said audio-video storage mechanism].

78. (Amended) The door for retrofitting an existing vending machine according to claim 77, wherein [the] a computer [assembly] is also connected to the means to accept input from a customer.

81. (Amended) The vending machine of claim 32, further comprising programmable means to connect the machine to a website or homepage of [the] a manufacturer of the item selected.

82. (Amended) The vending machine of claim 32, further comprising programmable means to connect the machine to a web site or homepage of [the] an owner or operator of the vending machine.

85. (Amended) The vending machine of claim 82, further comprising means to download [the] a communication onto a mobile recording medium.

89. (Amended) The vending machine of claim 88 [80], wherein the payment comprises at least one of coins, bills and credit cards.

97. (Amended) A combination of a computer [assembly] and selector [assembly] provided on a door for retrofitting an existing vending machine for dispensing at least one item selected by a customer, wherein said computer is connected to and activated by said [selection device] selector for connecting said computer to the Internet and conveying information from the Internet to a web site or homepage of [the] a manufacturer of the item purchased, or the web site or homepage of [the] an owner or operator of the vending machine.

98. (Amended) The door for retrofitting an existing vending machine according to claim 31, further comprising [wherein said computer comprises] at least one of a programmable microprocessor and an interface circuit.

99. (Amended) The door for retrofitting an existing vending machine according to claim 31, further comprising [wherein said computer comprises] at least one of a digital signal processing unit and an interface circuit.

100. (Amended) A combination of a computer [assembly] and selector [assembly] provided on a door for retrofitting an existing vending machine for dispensing at least one item selected by a customer, wherein said computer is connected to and activated by [said selection] selector device for connecting to a web site or homepage of a web site of [the] an Internet provider.

102. (Amended) The vending machine of claim 32, wherein the computer displays a homepage or website, together with information from [the] an Internet provider.

104. (Amended) The door for retrofitting an existing vending machine of claim 31, further comprising software for connecting a [the] computer with an Internet site.

105. (Amended) The door for retrofitting an existing vending machine of claim 31, wherein [the] an Internet site is selected from the group consisting of [the] an Internet provider, [the] a manufacturer of the item, [the] a vendor of the item, an internet site specified by the customer, [the] an owner of the vending machine, [the] an operator of the vending machine, news web sites, financial web sites, music web sites and an internet site of the property owner where the vending machine is located.

112. (Amended) A door for retrofitting an existing vending machine for sale of items selected by a customer, said door comprising:

a selector device for selecting one or more of said items for sale by the customer;

a payment-control device for receiving and detecting an amount of payment; and



a video display screen for providing interactions [video interactions] by the customer with the Internet.